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could
~~a projection extending rearwardly from the insect trap compartment, which projection supports a portion of the track designed to support a front end portion of the mesh closure member when placed in its retracted position.--~~

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~~22.~~ *17* An apparatus as set forth in claim 21, wherein the track comprises two parallel channels which define two sides of the compartment aperture, wherein the channels are arranged to support a front end portion of the mesh closure member throughout its range of motion between the retracted and extended positions.--

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~~23.~~ An apparatus as set forth in claim 21, including a rear slide clamp attached to the rear end portion of the mesh closure member, having a central notch through which the handle slidably extends.--

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~~24.~~ *17* An apparatus as set forth in claim 21, including a housing bumper enclosing a front end of the track to prevent movement of the closure member beyond the front end of the compartment aperture as defined by the housing, and a bumper fixed to the handle to prevent rearward movement of the closure member beyond the retracted position.--

REMARKS

This application has been carefully reviewed in view of the Office Action dated April 21, 1992. In that Office Action claims 18-20 were allowed, and claims 5, 16 and 17 were indicated as being allowable if rewritten in independent form.

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Claims 1-4 and 6-15 were rejected under 35 U.S.C. §102 and/or §103 in view of the patent to Liebling (U.S. Patent No. 4,272,906).

In response, claims 4, 5, 15 and 16 have been cancelled, claims 1, 10, 11, 13 and 17 have been amended, and new claims 21-24 are presented herewith. Claims 2, 3, 6-9, 12, 14 and 18-20 remain unchanged. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Independent claim 1 has been amended to incorporate the recitations of cancelled claims 4 and 5. Thus, claim 1 is now essentially claim 5 written in independent form. Since this claim was indicated as being allowable, claim 1, as amended, together with its depending claims 2, 3 and 6-10, are all now in condition for allowance. Claim 10 has been amended to now more specifically state what "rearwardly extending" is in relation to.

Independent claim 11 has been amended to incorporate the recitations of now cancelled claims 15 and 16. Since none of the references disclose the dual purpose apparatus defined including a rear slide clamp attached to a rear end portion of the mesh closure member, having a central notch through which the handle slidably extends, which provides means for slidably supporting the rear end portion of the mesh closure member relative to the handle, it is submitted that claim 11, as amended, together with each of its depending claims 12-14 and 17, is now in condition for allowance.

Newly submitted independent claim 21 is similar to original claim 1, but has been amended to more clearly distinguish the claim over the Liebling reference. In

particular, claim 21 defines a hand held fly swatter apparatus comprising (1) an elongate handle; (2) a rigid housing attached to the handle, wherein the housing includes an upper wall and interconnected side walls extending downwardly to define a compartment aperture; (3) a frameless planar mesh closure member; and (4) a projection extending rearwardly from the inside trap compartment, which projection supports a portion of the track designed to support a front end portion of the mesh closure member when placed in its retracted position. It is submitted that the Liebling reference does not anticipate nor render such a claim obvious.

More particularly, the Liebling reference shows the use of a container preferably made of conventional mesh or net material. This mesh or net material is affixed to a wire or rod frame 3. In contrast, claim 21 calls for a rigid housing attached to the front end of the handle and defining an insect trap compartment having a large aperture through which an insect is placed within the insect trap compartment. The housing includes an upper wall and interconnected side walls extending downwardly to define the compartment aperture. No such housing structure, including upper and side walls, is shown in the Liebling reference.

Liebling also discloses a cover 10 shown as being a rigid cover of transparent material. Liebling discusses, as an alternative, construction of the cover of a porous material constituted by a frame which holds mesh or netting material of the same type as that of the container. Claim 21, in contrast, calls for a frameless planar mesh closure member.

Finally, Liebling does not disclose a projection extending rearwardly from the insect trap compartment, which projection supports a portion of the trap designed to support

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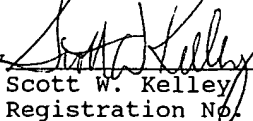
a front end portion of the mesh closure member when placed in its retracted position, as recited in claim 21. Accordingly, it is believed that independent claim 21, and each of its dependent claims 22-24, clearly distinguish over the cited references and are in condition for allowance. Dependent claim 22 is essentially original claim 3 rewritten to depend from claim 21. Newly submitted dependent claim 23 is essentially original claim 4 rewritten to depend from independent claim 21. Claim 24 is essentially original claims 7 and 8 rewritten to depend from newly submitted independent claim 21.

CONCLUSION

In view of the foregoing it is respectfully submitted that each of the claims now pending in this application clearly distinguish over all of the cited prior art references, and particularly the patent to Liebling. Accordingly, claims 1-3, 6-14 and 17-24 are now in condition for allowance, notice of which is respectfully requested. If any additional formal matters remain unresolved following examination of the application, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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